

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE:** ) **IN CHAPTER 7 PROCEEDINGS**  
          ) )  
**MATTHEW M. MOTIL** ) **CASE NO. 22-10571-(AIH)**  
          ) )  
**Debtor** ) **JUDGE ARTHUR I HARRIS**  
          ) )  
          )

**MOTION OF CREDITORS, DANIELLE HANSEN AND TOBY OLIVER,  
TO EXTEND TIME IN WHICH TO FILE A COMPLAINT OBJECTING  
TO DISCHARGE PURSUANT TO 11 U.S.C. § 727**

Creditors, Danielle Hansen and Toby Oliver (collectively “Movants”), respectfully move this Court for an order, pursuant to Fed. R. Bankr. 1017(e)(1) and 4004(b), extending to until August 3, 2022, the time in which a complaint objecting to discharge under 11 U.S.C. § 727(a) may be filed. In support of the motion, Movants offer the following:

1. The debtor Matthew M. Motil (the “Debtor”) filed a voluntary chapter 7 bankruptcy petition on March 7, 2022. Docket No. 1. In accordance with 11 U.S.C. § 701, the United States Trustee appointed Virgil Brown to serve as the Chapter 7 trustee (the “Trustee”). The section 341 meeting of creditors (the “341 Meeting”) was initially scheduled for April 4, 2022, but was adjourned and not opened until May 3, 2022. Dockets Nos. 2, 21. The 341 Meeting has not yet been completed. Without an extension, June 3, 2022, is the deadline by which parties may file a complaint for objecting to discharge.

2. The United States Trustee has also moved for an extension until August 3, 2022 to file a complaint objecting to discharge, which was unopposed by the Debtor. Counsel for Movants also requested consent to this motion from Debtor’s bankruptcy counsel, but Debtor’s bankruptcy counsel did not consent.

3. The schedules reflect numerous individual creditors with claims for unknown amounts. Docket No. 1 at 20-49. Movants are among individuals whom the Debtor solicited to provide loans for real estate investments that the Debtor directed with the promise that loans made by Movants to Debtor would be secured by mortgages, which Debtor never recorded. To date, two similar creditors have filed actions pursuant to 11 U.S.C. § 523 alleging *inter alia* that the Debtor “obtained [credit] by false pretenses, a false representation or actual fraud,” and/or incurred debts through “fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny.” Docket Nos. 23, 30. Movants may also be filing such actions, but further development of Movants’ own investigation and those of the U.S. Trustee would be beneficial to this filing.

4. As of the filing of this Motion, the Debtor has not turned over financial and loan documents to the United States Trustee requested in April and the 341 Meeting remains open. Movants seek additional time to preserve their opportunity to file a complaint objecting to discharge while they and the U.S. Trustee continue their investigation into the assets, liabilities, and financial affairs of the Debtor. Counsel for Movants attended the first 341 Meeting and intends to attend the next scheduled portion of the 341 Meeting, as well as to continue Movants’ own investigation.

WHEREFORE, the Movants request that this Court enter an order extending to until August 3, 2022, the Movants’ deadline to file a complaint objecting to the Debtor’s discharge under 11 U.S.C. § 727(a).

Respectfully submitted,

/s/ Matthew R. Duncan  
Matthew R. Duncan (#0076420)  
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Attorney for Creditors, Danielle Hansen  
and Toby Oliver

**CERTIFICATE OF SERVICE**

I, Matthew R. Duncan, hereby certify that the foregoing Motion was electronically transmitted on or about June 3, 2022, via the Court's CM/ECF system to all parties listed on the Court's Electronic Mail List, including:

- Virgil E. Brown [virgil@vebtrustee.com](mailto:virgil@vebtrustee.com), [vbrownjr@ecf.axiosfs.com](mailto:vbrownjr@ecf.axiosfs.com)
- Evan T. Byron [etb@kdglegal.com](mailto:etb@kdglegal.com), [hlb@kdglegal.com](mailto:hlb@kdglegal.com)
- Thomas W. Coffey [tcoffey@tcoffeylaw.com](mailto:tcoffey@tcoffeylaw.com)
- Daniel A. Cox [bankruptcy@woodlamping.com](mailto:bankruptcy@woodlamping.com), [dacox@woodlamping.com](mailto:dacox@woodlamping.com)
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- David M. Neumann [dneumann@meyersroman.com](mailto:dneumann@meyersroman.com), [jray@meyersroman.com](mailto:jray@meyersroman.com); [mnowak@meyersroman.com](mailto:mnowak@meyersroman.com)
- Jody Michelle Oster [jodymoster@gmail.com](mailto:jodymoster@gmail.com)
- United States Trustee (Registered address)[@usdoj.gov">\(@usdoj.gov\)](mailto:(@usdoj.gov)
- Scott R. Belhorn [Scott.R.Belhorn@usdoj.gov](mailto:Scott.R.Belhorn@usdoj.gov)

I, Matthew R. Duncan, further certify that the foregoing Motion was mailed via U.S. Post, First Class, on June 3, 2022, to the following:

Matthew Motil  
7011 Chadbourne Drive  
North Olmsted, OH 44070

*/s/ Matthew R. Duncan*  
\_\_\_\_\_  
Matthew R. Duncan (#0076420)  
Attorney for Creditors, Danielle Hansen  
and Toby Oliver

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